



**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

Applicant(s) : Andrew Clark, et al
Application No. : 08/916,578
Filing Date : August 22, 1997
Title : **Pharmaceutical Compositions**
Group/Art Unit : 1615
Examiner : Robert M. Joynes
Attorney Reference No. : 21407.0001 (formerly 2553.004)

REPLY TO QUAYLE ACTION

DATED JANUARY 22, 2004

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on 3/22/04 being
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Commissioner for Patents, PO BOX 1450
Alexandria, VA 22313-1450

David Chan



REPLY TO QUAYLE ACTION

DATED JANUARY 22, 2004

Applicants respond to the communication made under *Ex parte Quayle* ("Quayle Action") dated January 22, 2004, as follows:

I. SUPPLEMENTAL DECLARATION

The Quayle Action requires Applicants to supply a Supplemental Oath or Declaration "in accordance with MPEP §1415 [sic]."

Applicants note that MPEP §1415 relates to "Reissue Filing and Issue Fees," and understands that the Quayle Action intended to refer to MPEP §1414.01, the immediately preceding section entitled "Supplemental Reissue Oath/Declaration."

In response to the requirement believed to have been made under MPEP §1414.01, Applicants submit the Supplemental Declaration of inventor Julia Ratcliffe dated February 23, 2004, the Supplemental Declaration of inventor Paul Wright dated February 23, 2004, and the Supplemental Declaration of inventor Andrew Clark dated March 9, 2004.

II. POWER OF ATTORNEY

The Quayle Action requires Applicants to supply another power of attorney signed by someone who has authority within the company to make such decisions or supply documentation that shows that a "Director" had such authority at the time of signing the document (apparently referring to the original power of attorney signed by Timothy G. Rothwell on August 15, 1997, as Director).

In response Applicants submit a Revocation of Power of Attorney With New Power of Attorney and Change of Correspondence Address executed on March 19, 2004, by Lee Caffin, CPA EPA, Senior Director and Head of Licensing Support of Aventis Pharmaceuticals Inc., together with his statement that he has authority to sign the document and a Statement under 37 CFR 1.73(b).

III. COMMENTS

Allowance of claims 1-3 and 10-19, all of the pending claims is acknowledged and appreciated.

Under cover of a Transmission Letter received at the Patent Office on September 29, 2003, a Statement of Lost Original Patent was made by the undersigned. That statement was made on the basis of correspondence indicating transfer of the Patent from the patentee and among counsel for patentee and its licensee, and the absence of the original patent in the counsels' files. Subsequently, in reviewing the correspondence to the Patent Office it was discovered that on June 6, 2000, a Response to Office Action Dated April 10, 2000, included a statement in the Remarks section that "In accordance with 37 CFR 1.178 the original Letters Patent #5,443,833 is surrendered to the U.S.P.T.O." Accordingly, it is now believed that the September 29, 2003 Statement was made in error, and that the original '833 patent is in the possession of the Patent Office.

Applicant requests that the examiner review the Patent Office file and confirm the Patent Office's receipt of the original patent.


IV. CONCLUSION

For all of the above reasons Applicants believe that all outstanding issues have been resolved and that the application is now in condition for allowance. Such action is requested.

Respectfully submitted,

COUDERT BROTHERS LLP

Date: March 22, 2004

By: 
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